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Gregory D. Deieso
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April 23, 1998

Secretary
Federal Communication Commission
1919 M St. NW
Washington, DC 20554

FCC

To the Secretary of the FCC;

Attached please find one original and four copies for filing of "Comments in Support for Public Notice for Rulemaking Rm 9246 Amendment of Part 73 Rules and Regulations to Establish Event Broadcast Stations".

Thank you in advance for your consideration with this matter.

Respectfully,

Gregory D. Deieso
Petitioner

cc. Hal McCombs, Esquire
1615 M Street, NW
Washington, DC 20036
Attorney for the Petitioner
202-467-6370

0+4
MMB

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington D..C. 20554

In the Matter of:	)	
	)	
Support for Public Notice for Rulemaking Rm 9246	)	
Amendment of Part 73 of the	)	RM 9246
Rules and Regulations to Establish	)	
Event Broadcast Stations	)	
	)	

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To: The Commission

COMMENTS IN SUPPORT OF PUBLIC NOTICE FOR
PETITION FOR RULEMAKING

Gregory D. Deieso ("Petitioner"), 199 Lincoln Rd. Westfield, NJ 07090 and pursuant to Section 1.401 of the Rules and Regulations, herewith submits his support to the Commission in response to Public Notice for Rulemaking Rm 9246 to institute rule making to establish Event Broadcast Stations. In support, Petitioner shows the following:

I. Introduction

1. On June 24, 1996 Petitioner submitted to the commission a request for Rulemaking to petition for Low Power Event Broadcasting Service. (EBS) This support is in favor of this petition number dated 6-24-96 # RM 9469 and does not represent support for any other low power petition before the commission.

2. Petitioner represents that they have worked closely with the Commission to create this new broadcasting concept (EBS) and is the only group with actual experience and expertise required to assist the Commission in the process and licensing.

3. Event Broadcasting Service (EBS) can be defined as the creation of a temporary broadcast station that utilized unused AM and FM frequencies for a finite period of time with limitations in power, range and location. Where use of this spectrum would enhance the enjoyment, efficiency and public safety concerns at sports and convention sites for the general good of the public where a need has arrived, and no existing broadcast exists.

4. Petitioner has created new uses and value for unused AM and FM frequency spectrum by broadcasting programs delivering information and services to the general public attending specific events. The Commission's rules and regulations currently do not provide for a permanent service such as Event Broadcasting Service, however, the Commission has authorized Services

resembling Event Broadcast Stations on a limited basis to the Petitioner.(Experimental Radio Station authorization KF2XBF). Through the rulemaking process, Petitioner will represent to the commission that this media deserves the right to be converted from an experimental status to a permanent basis as requested under Part 73 and be established as a new commercial radio service.

5. EBS can deliver news, weather, information, traffic reports, multi lingual translations and general sponsored services for a finite period of time at events. It's Petitioners contention that EBS has and continues to offer the general public a valuable broadcast media that is not available through full time licensed broadcast stations.

6. The EBS is a controlled broadcast situation that has received support from major broadcasting companies. In may cases Event Broadcasting extends the broadcast capacity of a licensed broadcast company into an area where it is impossible for their broadcast signal to reach the general public particularly inside buildings and convention sites. Part 15 does not cover this type of extended broadcast and limits radiation to 250 uV/mTo at 3 meters from the antennas

7. Petitioner does not assume the assignment of unused frequencies to EBS on a permanent basis, but rather on a as needed by event basis.

II. Executive Summary

8. The concept of low power broadcasting is not new. Petitioner has been working with the commission since 1992 to develop this concept. The concept is the controlled use of existing spectrum, so that the population benefits and radio station owners are not adversely affected, in many cases, benefit from the increase use of spectrum.

9. In 1992 the Commission granted to Nassau Broadcasting Company (a business partner of Petitioner and broadcast station licensee), on behalf of the United States Tennis Association, an STA for operation of a low-power FM broadcast communications system during the 1992 U.S. Open Tennis Championship, in Flushing, New York.

10. In 1993 the commission issued to Capital Broadcasting Experimental license # KF2XBF (Attached) a corporation that Petitioner was the principle stockholder. Petitioner was given the opportunity to conduct experimentation on Event Broadcasting with this license. In 1995 the Commission renewed this license.

11. During this experimentation process, Petitioner developed long term working relationships with the major broadcast companies, the sports leagues and may of the convention sites and arenas. EBS has been utilized by the Petitioner at NFL Super Bowls, NFL Drafts, MBA All Star Games, NHL All Star Games and Championship games as well as US Opens and NCAA College championship games. Petitioner has also effectively used the low power transmission to offer multi lingual translations at major events.

12. In 1996 at the Commissions recommendation Petitioner filed a Petition for Rulemaking as well as an application for Pioneers Preference. The Petitioner continues to pursue both the Rulemaking process and the request for Pioneers Preference filed on July 15, 1996.

III. Technical Background

13. The Petitioner has conducted extensive testing on EBS during the past five years of operation. Experimentation has included many different types of equipment and use of frequency spectrum which is outlined below.

14. During the past five years of low power broadcasting, Petitioner has never had an interference complaint from any licensed broadcaster. Petitioner received one complaint from a non broadcaster dealing with an unrelated matter. Petitioner maintains the most important aspect to the success of low power broadcasting is to assure no interference with FCC licensed full time radio and TV stations. With this end, Petitioner has a perfect record.

15. Petitioner has controlled or eliminated interference in the following manner. First, a concise and efficient means to determine unused frequencies was developed. Second the elimination of the bleeding or interference into other frequency bands was accomplished.

16. Petitioner used a number of FCC approved data sources (@ Data World) to determine used and unused frequencies in event city. Petitioner maintained protection for co-channel and first adjacent channels that has been outlined by the Commission under section 73.215. and 73.333. which will give full power FM stations 60 dB unprotected contour. This in most cases allowed for approximately a 30 mile buffer between broadcast signals.

17. The success of Event Broadcasting is securing the best broadcast signal possible as well as providing the general public with a means to hear this broadcast. Petitioner used and continues to recommend the use of commercial FM channels 221 through 300, or 92.1 MHz through 107.9 MHz respectfully. It is within these frequencies that the EBS is assured the least interference from outside sources.. The best quality audio equipment manufactured is for use in the "commercial" FM spectrum.

18. Petitioner maintains the use of commercial FM spectrum because the public can use conventional, inexpensive, everyday FM radio receivers that are readily available to the consumer public, can be given away, or purchased at a very low price.

IV. Equipment

19. Petitioner maintains the use of the proper broadcast equipment is imperative to the success of EBS. Petitioner developed working relationships with major FCC approved equipment manufactures to develop the right combination of equipment to assure the desired results.

20. Petitioner developed with Crown Broadcasting a modified version of their FM30T FM digital stereo transmitter. This equipment is FCC approved and is broadcast quality. Since it

is a digital transmitter, Petitioner was able to lock into the approved frequency spectrum and assure no drifting or bleeding into other frequencies. The transmitter is digitally tuned to assure not only the proper frequency, but also power rating at the antenna. Power rating used varied from 2-10 (ERP) watts depending on the event and building or site structure.

21. Petitioner used an electronic dipole tunable FM antenna produced for Petitioner by Scala Electronics. Scala produces three different types of electronically tuned FM antennas. Each antenna is used for a different frequency range, 88--93, 93-103, 98-108. This type of antenna will eliminates almost all possibility of bleed into adjacent spectrum and is FCC approved..

22. The power rating used varied from 2-10 (ERP) watts. The prerequisite for each event was to cover only the event site with a broadcast signal. Limiting the power was accomplished by using watt power meters that checked power (watt output as well as frequency.) Engineers walk the area and assure that the range of power was what we deemed appropriate for the event. The Crown transmitter used allowed us to adjust the power to conform with the range desired. In enclosed arenas such as Madison Square Garden 4-7 of ERP watts of power was used. This would be sufficient to cover the entire arena with little to no leakage outside the building. Broadcasting outside events required 4-10 of ERP watts and once again was limited to the stadium, arena or convention site location.

23. Petitioner maintained a maximum antenna height of 150 feet. In most cases, the antenna was installed in part of the building overlooking the main event site. The antenna height for most Event Broadcast Stations will very likely be low, because of the use of existing structures, mobile supporting towers, or simple poles. In many cases the antenna was less then 10 ft off the ground.

V. Licensing

24. Petitioner submits that the issue of Rulemaking be addressed, in part, by creating a new transmission service under Part 73 of the Rules and Regulations. Moreover, Petitioner proposes that the FCC issue **one** broadcast band license for nationwide operation, to Petitioner, (similar to those recently issued to CD Radio Inc.). This would answer a need that exists in the general public for additional radio services that are not or can not be provided by the full time broadcasters. By issuing more then one national license, interference and a complicated series of rules will have to be developed and administered. Interference to full time broadcasters would increase

25. Petitioner also understands that the demand for such services may overwhelm one licensee. Petitioner has recommended and offered to the Commission to serve as Frequency Coordinator for all Event Broadcasting Services. Our intent is to control the use of spectrum to assure the no interference with full power AM and FM Broadcasters.

26. Certified broadcast companies could apply to the Frequency Coordinator for a use permit much in the same fashion that the original STA's were issued by the Commission. Broadcasters would have to submit to a certification process to be eligible to broadcast EBS. The

Frequency Coordinator will document that the applicant has the proper equipment, certified engineering staff and conforms to power and spectrum limitations. For this service the Frequency Coordinator will be allowed to charge reasonable and customary fees in accordance with other Frequency Coordinator positions.

27. Petitioner requests the issuing of a new Temporary Low Power License to Petitioner by the Mass Media Bureau (currently on file), so that all test and experiments can continue during the crucial rulemaking procedure. This would allow the Petitioner to test any recommendations or questions that the Commission might have.

VI. Summary

28. Petitioner stands ready to assist the Commission in the Proposed Rulemaking Procedure for Low Power Event Broadcasting as well as issuing the Petitioner a temporary license to continue EBS (currently on file with Mass Media Bureau).

Respectfully submitted:

Gregory D. Deieso; Petitioner
199 Lincoln Rd.
Westfield, N.J. 07090
908-233-3088

Certificate of Service

I, Gregory D. Deieso, do hereby certify that I have caused to be served by Mail, First Class postage paid, this 23 rd day of April, 1998, copies of the foregoing "Comments in Support of Petition for Rulemaking upon the following:

Hal McCombs, Esquire
1615 M Street, NW
Washington, DC 20036
Attorney for the Petitioner

101 EAST 52ND ST., 9TH FLOOR, NEW YORK, NY 10022

United States of America
FEDERAL COMMUNICATIONS COMMISSION
EXPERIMENTAL
RADIO STATION CONSTRUCTION PERMIT
AND LICENSE

EXPERIMENTAL	K F 2 X B F
(Nature of Service)	(Call Sign)
XD MO	3735-EX-R-95
(Class of Station)	(File Number)

NAME CAPITAL BROADCASTING SYSTEMS, INC.

See Below
(Location of Station)

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all requlations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications.

Frequency	Class Stn	Emission Designator	Authorized Power watts

See Attached Page 2

Station Location:

US
Area Of Operation: MOBILE: UNITED STATES, VIRGIN ISLANDS AND PUERTO RICO

Operation: In accordance with Sec. 5.202(h) of the Commission's Rules.

Special Conditions:

See Attached Page 2

This authorization effective July 1, 1995 and will expire 3:00 A.M. EST July 1, 1997

FEDERAL COMMUNICATIONS COMMISSION

Special Conditions:

(1) In lieu of frequency tolerance, the occupied bandwidth of the emission shall not extend beyond the band limits set forth above.

(2) Licensee is required to file a PROGRESS REPORT every 6 months from the date of grant. This progress report shall be filed with FCC, Experimental Licensing Branch, Suite 230, 2000 M St., Washington, D.C. 20554.

(3) The Licensee shall ensure frequencies are not in use in the area prior to conducting any operations.

Frequency	Class Stn	Emission Designator	Authorized Power watts
KHz			
530.00000-1705.00000	MO	6K00A3E	40W (ERP)
MHz			
54.00000-72.00000	MO	180KF3E	10W (ERP)
76.00000-88.00000	MO	180KF3E	10W (ERP)
88.10000-107.90000	MO	180KF3E	10W (ERP)
174.00000-216.00000	MO	180KF3E	10W (ERP)
450.00000-451.00000	MO	180KF3E	30W (ERP)
	MO	25K0F3E	30W (ERP)
455.00000-456.00000	MO	180KF3E	30W (ERP)
	MO	25K0F3E	30W (ERP)